

EXHIBIT 2



U.S. Department of Justice

Criminal Division

1400 New York Ave., N.W.
Washington, D.C. 20005

September 23, 2024

Via Email

Jennifer Beidel
Dykema Gossett PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, Michigan 48304

Re: *United States v. Hoau-Yan Wang, 8:24-CR-00211-TDC (DMD)*
**CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE
ORDER**

Dear Counsel:

We write this letter in response to your August 27, 2024 letter and in connection with our related August 28, 2024 telephone call (“Call”). We address each issue raised in your letter in turn in corresponding numerical order:

1. **Identification of Key Materials** - As discussed during our Call and referenced during the August 30, 2024 initial status hearing before the Court, we identified for you analyses relating to the core misrepresentations in the Indictment, specifically relating to those found in the NIH applications (and related journal articles) and referenced in the materials from Dr. Paul Brookes, which were identified in the indexes provided with Government Production 3 and Government Production 4 (and also exist in Federal Bureau of Investigation (“FBI”) materials).
2. **Reciprocal Discovery** - You have asked that we provide greater specificity in our reciprocal discovery request. Accordingly, the government hereby requests reciprocal discovery pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure, including the following:
 - a) All books papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any item that is within Defendant’s possession, custody, and control that Defendant intends to use in his case-in-chief. Fed. R. Crim. Pro. 16.1(b)(1)(A)-(B). The term “case-in-chief” is defined in this letter to refer to both evidence that a party presents between the time the party calls its first witness and the time the party rests, and any other part of the trial in which the party presents evidence to support a claim or defense – including during cross-examination of the opposing party’s witnesses, to include any videos taken by Defendant’s counsel of Defendant conducting a Western Blot experiment.

- b) The results of any physical or mental examination in the possession, custody or control of Defendant and will be used in Defendant's case-in-chief, as interpreted above. Fed. R. Crim. Pro. 16(b)(1)(B).
- c) For any expert testimony that Defendant intends to use at trial, a complete statement of all opinions, the bases and reasons for them, the witness's qualifications (including publications), and a list of all other cases in which the witness has testified in the past four years, consistent with the requirements laid out in Rule 16 by or before 90 days prior to trial, as mandated in the Court's Case Management Order (ECF. No. 20). Fed. R. Crim. Pro. 16(b)(1)(C).
- d) Expert Evidence Mental Condition: The government requests that Defendant provide notice of his intention to introduce any expert evidence related to either a mental disease or defect or any other mental condition bearing upon the issue of guilt on or before October 28, 2024. Fed. R. Crim. Pro. 12.2(b).
- e) Documents or Objects Received: If Defendant either has sought or does seek the issuance of a subpoena pursuant to Rule 17, and the Court grants the request for a subpoena, the government requests that Defendant provide those items to both the Clerk of Court and to the government, including any materials sought and received from the City University of New York. *See* Fed. R. Crim. Pro. 17(c)(1).
- f) Production of Statement of Witnesses: After the direct examination of any witness called by Defendant, the government requests that Defendant produce any statement of that witness that is in Defendant's possession and that relates to the subject matter of the witness's testimony. Fed. R. Crim. Pro. 26.2.
- g) Impeachment Evidence by Prior Criminal Conviction: If the Defendant intends to impeach any witness with a prior conviction that is over 10 years old, the government requests notice of the intent to use the prior conviction for this purpose prior to any hearing or trial in which this conviction may be used. Fed. R. Evid. 609(b).

- h) Business Records to be Self-Authenticated: If Defendant intends to “self-authenticate” any business records via an affidavit, the government requests that Defendant: a) provide notice of his intent to rely upon such records 14 days prior to trial; and, b) either provide copies to the government of the documents and authenticating affidavit, or at a minimum, make these items available for inspection 14 days prior to any hearing or trial where these items may be relied upon. Fed. R. Evid. 802(6) & 902(11).
- i) Summaries, Charts, or Calculations: If Defendant intends to rely upon any type of summary, chart, or calculation to prove the content of any voluminous writing, recording, or photographs, the government requests that Defendant provide it with copies of the originals or duplicates, or to make those items available for inspection, 14 days prior to any hearing or trial in which the summaries, charts, or calculations will be relied upon. Fed. R. Evid. 1006.

3. Supplemental Index – With respect to the indexes previously provided in connection with Government Production 3 and Government Production 4, the government is providing an enclosed supplemental index breaking out additional categories of materials from the previously provided indexes that were discussed during the Call.

4. Potential Conflict Materials – With respect to your request for all documents related to the potential conflict-of-interest issue the government previously identified, the government will not be providing “internal notes and memoranda” but, as discussed on the Call, can identify the source of relevant facts in documents that have already been produced and that led to the government’s identification of the potential issue:

Description	Bates Number
November 1, 2021 email from J. Beidel to A. Tyler and A. Kaminska confirming receipt of the thumb drive copy	N/A
Thumb drive copy that includes the /USB30FD/USB30FD/Hoau Data/Crucial (F)/Phase I - II grants & clinical trials folder	N/A; contained in Production 3 on Hard Drive 4
June 4, 2024 email from J. Beidel to Z. Avallone and other U.S. Securities and Exchange (“SEC”) employees regarding the /USB30FD/USB30FD/Hoau Data/Crucial (F)/Phase I - II grants & clinical trials folder	USDOJ4-0000733055
March 20, 2024 SEC deposition of Defendant, including a discussion of the source of materials provided to the SEC (pp. 284-89)	USDOJ4-0000733511

5. Brady and Giglio Materials – The government understands and will continue to comply with all of its obligations under *Brady v Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny.

6. Materials to Refresh Memories – As discussed on the Call, the government has not yet identified a final list of witnesses for trial and, therefore, is not in a position to identify any material that may be used to refresh a witness's memory.
7. 18 U.S.C. § 3500 Materials – As indicated above and on the Call, the government has not yet identified a final list of witnesses for trial. The government intends to comply with the applicable Standing Order (2020-01) in the District of Maryland, which indicates that 18 U.S.C. § 3500 materials should be produced at least one week prior to the start of trial.
8. Rule 404(b) Notice – The government intends to comply with the Court's Case Management Order (ECF. No. 20) that requires notice of other acts evidence covered by Federal Rule of Evidence 404(b) be provided 30 days prior to trial.
9. Defendant's Statements – As discussed on the Call, the government can identify Defendant's previously provided statements and associated audio or video recordings covered under Federal Rule of Criminal Procedure 16(a):

Description	Bates Number	Audio/Video Bates Number
August 23, 2021 Interview	USDOJ3-0000136187	N/A
August 24, 2021 Interview	USDOJ3-0000136241	N/A
August 24, 2021 Interview	USDOJ3-0000136246	N/A
August 26, 2021 Interview	USDOJ3-0000136392	N/A
August 30, 2021 Interview	USDOJ3-0000136394	N/A
August 31, 2021 Interview	USDOJ3-0000136453	N/A
August 31, 2021 Interview	USDOJ3-0000136474	N/A
September 1, 2021 Interview	USDOJ3-0000136468	N/A
September 3, 2021 Interview	USDOJ3-0000136472	USDOJ4-0000008922 USDOJ4-0000008923
September 7, 2021 Interview	USDOJ3-0000136472	USDOJ4-0000008924 USDOJ4-0000008925 USDOJ4-0000008926
September 9, 2021 Interview	USDOJ3-0000136457	USDOJ3-0000567760

10. Defendant's Criminal Record – The Defendant does not currently have a criminal record to the government's knowledge.
11. Tangible Objects – The only tangible objects the government has obtained in this case are the laptops (one of which was previously returned to Defendant) and the digital devices from which copies have been made and produced in discovery. To the extent Defendant's counsel wishes to inspect these objects, the government requests that Defendant's counsel coordinate with undersigned government counsel.
12. Examination Reports – As discussed on the Call, to the extent this request under Federal Rule of Criminal Procedure 16(a)(1)(F) covers scientific analyses of the evidence, those have already been produced.

13. Expert Witness Disclosure – The government has not yet reached a final determination as to the identity or number of expert witness(es) it may call at trial. The Court’s Case Management Order (ECF. No. 20) indicates that Defendant’s expert discovery is due 90 days prior to trial. The government will provide its expert witness disclosure(s) on or before that date.
14. Scope of Discovery – As discussed on the Call, the files in the government’s possession for purposes of searching for discovery in this case are limited to the U.S. Department of Justice’s Criminal Division – Fraud Section, the U.S. Department of Justice’s Consumer Protection Branch, the FBI, and the U.S. Food and Drug Administration’s Office of Criminal Investigations.

Finally, you requested that any of the requests made in your August 27, 2024 letter, to include the materials discussed in paragraphs 1-14 of your letter, which we have responded to above, be expressly identified in a supplemental index. The government has identified some of those requested materials above and in the attached supplemental index but does not agree to expressly identify the other categories you have requested (some of which are sufficiently premature such that identification would be speculative at this juncture). The government is aware of the ongoing nature of its discovery obligations and will continue to produce any discoverable materials it discovers or obtains consistent with its obligations.

If you have any questions or would like to discuss any of these issues further, please contact me at (202) 616-2634 or andrew.tyler@usdoj.gov.

Sincerely,

/s/ Andrew Tyler
Andrew Tyler
Vasanth Sridharan
Anna Kaminska
Fraud Section, Criminal Division
U.S. Department of Justice
Attorneys for the Government

Enclosure: Supplemental Index to Government Productions 3 and 4

Description	Production BEGDOC	Production ENDDOC
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Documents relating to Cassava's communications with the FDA; Funding records and correspondence with NIH; Presentations by Cassava regarding Simufilam/SavaDx	USDOJ1-0000138393	USDOJ1-0000142500
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Documents relating to Cassava's communications with the FDA; Funding records and correspondence with NIH; Documents and contracts between Cassava and their consultants relating to Simufilam/SavaDx	USDOJ1-0000142501	USDOJ2-0000004090
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Documents relating to Cassava's communications with the FDA; Documents and contracts between Cassava and their consultants relating to Simufilam/SavaDx	USDOJ2-0000004091	USDOJ2-0000033798
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Documents and contracts between Cassava and their consultants relating to Simufilam/SavaDx	USDOJ2-0000033799	USDOJ2-0000060019
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Documents and contracts between Cassava and their consultants relating to Simufilam/SavaDx	USDOJ2-0000060020	USDOJ2-0000120531
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Communications with auditors regarding Simufilam/SavaDx; Documents and contracts between Cassava and their consultants relating to Simufilam/SavaDx	USDOJ2-0000120532	USDOJ2-0000169135
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Presentations made by or on behalf of Cassava relating to Simufilam/SavaDx; Presentations to the 2021 Alzheimer's Association International Conference and any related materials; Communications involving Cassava's investor-relations employees relating to Simufilam/SavaDx; Documents regarding the costs relating to the clinical trials of Simufilam/SavaDx; Documents relating to the development of Cassava's marketing materials for Simufilam/SavaDx; Documents explaining Cassava's renaming and rebranding; Documents demonstrating purchases and sales of Cassava's stock by the company's employees, officers, and directors	USDOJ2-0000169136	USDOJ2-0000195575
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Meeting minutes, draft minutes, agendas, and handouts for meetings regarding Simufilam/SavaDx; Documents relating to Cassava's communications with the FDA, Funding records and correspondence with NIH; Cassava's securities trading plans and agreements	USDOJ2-0000195576	USDOJ2-0000214293
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava Securities; Presentations made by or on behalf of Cassava relating to Simufilam/SavaDx	USDOJ2-0000214294	USDOJ2-0000255577
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Communications with auditors regarding Simufilam/SavaDx; Presentations made by or on behalf of Cassava relating to Simufilam/SavaDx; Communications between Cassava and investors or analysts relating to Simufilam/SavaDx; Documents regarding the costs relating to the clinical trials of Simufilam/SavaDx	USDOJ2-0000255578	USDOJ2-0000323574

Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Meeting minutes, draft minutes, agendas, and handouts for meetings regarding Simufilam/SavaDx; Communications with auditors regarding Simufilam/SavaDx; Presentations made by or on behalf of Cassava relating to Simufilam/SavaDx; Communications involving Cassava's investor-relations employees on Simufilam/SavaDx; Communications between Cassava and investors or analysts relating to Simufilam/SavaDx	USDOJ2-0000323575	USDOJ2-0000355785
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Documents relating to Cassava's communications with the FDA; Funding records and correspondence with NIH; Documents and communications between Cassava Sciences and Bleichroder LP, Globis Capital Partners & Co., Worth Venture Partners LLC, and Aigh Capital Management LLC	USDOJ2-0000355829	USDOJ2-0000409854
Cassava: Dr. Hoau-Yan Wang's December 2021 Response to the City University of New York's Preliminary Inquiry Report regarding recent public allegations made about Cassava and/or Dr. Hoau-Yan Wang; Email communications between Lund University and Cassava relating to the Phase 2b clinical testing performed by Lund University	USDOJ2-0000410238	USDOJ3-0000085845
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Meeting minutes, draft minutes, agendas, and handouts for meetings regarding Simufilam/SavaDx; Presentations by Cassava regarding Simufilam/SavaDx; Presentations given to the 2021 Alzheimer's Association International Conference and any related materials; Communications with auditors regarding Simufilam/SavaDx; Communications between Cassava and investors or analysts regarding Simufilam/SavaDx	USDOJ3-0000085846	USDOJ3-0000088936
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Presentations by Cassava regarding Simufilam/SavaDx; Presentations given to the 2021 Alzheimer's Association International Conference and any related materials	USDOJ3-0000088937	USDOJ3-0000089514
Cassava: Records regarding the development, efficacy, safety of Simufilam/SavaDx and/or its effects on the value of Cassava securities; Meeting minutes, draft minutes, agendas, and handouts for meetings regarding Simufilam/SavaDx; Communications with auditors regarding Simufilam/SavaDx; Presentations by Cassava regarding Simufilam/SavaDx; Presentations given to the 2021 Alzheimer's Association International Conference and any related materials; Communications between Cassava and investors or analysts relating to Simufilam/SavaDx	USDOJ3-0000089515	USDOJ3-0000127147
Cassava: Communications between Dr. Lindsay Burns and the U.S. Food and Drug Administration, the National Institutes of Health, The Journal of Neuroscience, Neurobiology of Aging, The Journal of Prevention of Alzheimer's Disease, and the City University of New York and its affiliates regarding Simufilam/SavaDx; Documents related to payments made by Cassava or any related entity to the City University of New York and its affiliates	USDOJ3-0000127148	USDOJ3-0000128115
Cassava: June 2, 2023 presentation; Communications between Dr. Lindsay Burns and the U.S. Food and Drug Administration, the National Institutes of Health, The Journal of Neuroscience, Neurobiology of Aging, The Journal of Prevention of Alzheimer's Disease, and the City University of New York and its affiliates regarding Simufilam/SavaDx	USDOJ3-0000128866	USDOJ3-0000134667
Cassava: Emails from Thornton to Wang	USDOJ3-0000134668	USDOJ3-0000134671

FBI: Wang's PNY 64 GB Flash drive records and files	USDOJ3-0000353336	USDOJ3-0000567760
FBI: Files and records from Wang's Dell and Acer computers	USDOJ4-0000000001	USDOJ4-0000006373
FBI: Case files including, Guo materials and Brookes materials sent and received	USDOJ4-0000006374	USDOJ4-0000008926
FBI: Case files	USDOJ4-0000733512	USDOJ4-0000733514
FBI: Wang's TD Bank Financial Records	USDOJ4-0000733515	USDOJ4-0000734489
FBI: Records from the City University of New York's investigation	USDOJ4-0000734490	USDOJ4-0000734923
FBI: Case file records	USDOJ4-0000734924	USDOJ4-0000734946
FBI: Court Documents; JP Morgan Chase documents; FBI chain of custody documents	USDOJ4-0000734947	USDOJ4-0000735010
FBI: ACH wire transfer files	USDOJ4-0000735011	USDOJ4-0000735077
FBI: Wells Fargo documents	USDOJ4-0000735078	USDOJ4-0000739442
FBI: Case files	USDOJ4-0000739443	USDOJ4-0000739491
FBI: Records from the City University of New York's investigation; Brookes communications, analyses, and images	USDOJ4-0000739492	USDOJ4-0000741714